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JAN 06 2006

In re Application of	:	OFFICE OF PETITIONS
David A. Goldman	:	
Application No. 10/806,880	:	
Filed: March 23, 2004	:	ON PETITION
Attorney Docket No.:	:	
20060/10001D	:	

This is a decision on the Petition for Withdrawal of Abandonment, filed July 1, 2005. The petition is properly treated under 37 CFR 1.181. The delay in treating this petition is regretted.

The petition is granted.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed November 17, 2004. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the above-identified application became abandoned February 18, 2005. A Notice of Abandonment was mailed June 10, 2005.

Applicant's Assertion

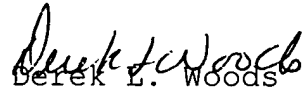
Applicant avers non-receipt of the non-final Office action. In support, Applicant has provided the necessary statements and copies of the docket record where the non-received Office action would have been entered had it been received and docketed. Applicant has demonstrated by a preponderance of the evidence that the non-final Office action was not received.

The Notice of Abandonment is hereby withdrawn.

A refund of the petition fee has been credited to deposit account 50-2455 as authorized in the instant petition.

The application file is being referred to Technology Center 3765 for re-mailing of the non-final Office action.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

A handwritten signature in cursive script, appearing to read "Derek L. Woods".

Derek L. Woods
Attorney

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy